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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/689,973	10/21/2003	Peter Hachimann	A-3839	4411
24131	7590	06/17/2005	EXAMINER	
LERNER AND GREENBERG, PA P O BOX 2480 HOLLYWOOD, FL 33022-2480			MORRISON, THOMAS A	
			ART UNIT	PAPER NUMBER
			3653	

DATE MAILED: 06/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/689,973

Applicant(s)

HACHIMANN ET AL.

Examiner

Thomas A. Morrison

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– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 21 October 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 10/21/2003.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 112*

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

1. Claims 1-21 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The claims are generally narrative and indefinite, failing to conform with current U.S. practice. They appear to be a literal translation into English from a foreign document and are replete with grammatical and idiomatic errors.

Regarding the independent claims 1 and 21, there is also insufficient structural relationship recited in these claims between the elements, to understand how recited functions are performed. For example, it is unclear what structure(s) cause the expelling of the sheet-carrying air flows during operation. As another example, it is unclear as to the relationship between the air passage openings, the flow ducts and the opening cross-sections.

Also, it is unclear in claims 1 and 21, what is meant by the recited "length being **many times** greater than said width". (emphasis added). These are merely exemplary of the indefiniteness of claims 1 and 21.

Regarding the dependent claims 2-20, it is also unclear as to structural relationships between the recited elements in these claims and the elements previously

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recited in independent claim 1. As one example in claim 2, it is unclear as to the structural relationship between the recited vanes and the previously recited flow ducts and cross-sections of claim 1. As another example in claim 4, it is unclear as to the relationship between the passage openings and the slots. These are merely exemplary of the indefiniteness of the claims. Moreover, claims 1-21 should be amended to provide proper antecedent basis.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-11, 14, 16-18 and 21, as best understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Publication No. 20010011509 (Fujimoto).

Regarding claim 1, Fig. 8 shows a sheet-processing machine, including

a blast or blown-air supply system (including 13'); and

a pneumatic sheet-guiding device (1') connected to the blast or blown-air supply system (including 13'); the sheet-guiding device (1') having flow ducts (4a, 4b) for aligning sheet-carrying air flows; the sheet-guiding device (1') having a sheet-guiding surface (1d);

the sheet-guiding surface (1') having air passage openings (above 3' on both sides) formed therein for sheets being dragged over the air passage openings in a sheet travel direction (i.e., the direction into the page) and for expelling the sheet-carrying air flows during operation; the air passage openings in the sheet-guiding surface (1d) forming opening cross-sections of the flow ducts (4a and 4b). Also, Fig. 8 shows that the opening cross-sections are slots, but does not specifically show the length and width dimensions. However, Fig. 3 shows that it is well known to provide an air passage opening structure (near 3) on each end of a sheet-guiding surface (1d1) that forms an opening cross-section that is a slot with a length many times greater than a width, to properly control air flow and prevent sheet flapping or fluttering. See Abstract. It would be obvious to one of ordinary skill in the art at the time of the invention, to provide the sheet-guiding surface (1d) of Fig. 8 with an air passage opening structure that properly controls the air flow and prevents sheet flapping or fluttering, as taught by Fig. 3 of U.S. Patent Publication No. 20010011509.

Regarding claim 2, Fig. 8 shows guide vanes (above 06) provided in the flow ducts (4a and 4b).

Regarding claim 3, Fig. 8 shows that the slots are disposed symmetrically with respect to a line of symmetry (near 06).

Regarding claim 4, Fig. 8 shows that the air passage openings (above 3' on both sides) are waste-air openings assigned to the slots.

Regarding claim 5, Fig. 8 shows that the waste-air openings are waste-air slots.

Regarding claim 6, Fig. 3 shows that the waste-air openings, on a side of the sheet-guiding device facing away from the sheet-guiding surface (near 1a), are in communication with the atmosphere.

Regarding claim 7, Fig. 8 shows a vacuum generator (13') for acting upon the waste-air openings.

Regarding claim 8, Figs. 8 shows that the air passage openings (above 3' on both sides) are purging air openings for discharging purging air flows, the purging air openings being disposed in regions wherein the sheet-carrying air flows produce a vacuum when purging air flows are lacking.

Regarding claim 9, Fig. 8 shows that the air passage openings (above 3' on both sides) are supporting-air openings for discharging supporting air flows, the supporting-air openings being disposed in regions wherein the sheet-carrying air flows produce maximum vacuum when supporting air flows are lacking.

Regarding claim 10, Fig. 3 shows that the slots are inclined with respect to the sheet travel direction.

Regarding claim 11, Fig. 3 shows that the slots are oriented in the sheet travel direction (from 1d to 2).

Regarding claim 14, Fig. 8 shows that the slots are respectively disposed repeatedly on both sides of a line of symmetry (near 06) extending in the sheet travel

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direction (i.e., direction into the page), the line of symmetry having a central location with respect to the sheet guiding surface (1d).

Regarding claim 16, Fig. 8 shows that the blast-air supply system (13') has chambers (below 52 on both sides) respectively communicating with the slots.

Regarding claim 17, Fig. 8 shows a multiple configuration of the slots to be acted upon individually with blast air.

Regarding claim 18, Fig. 8 shows waste-air openings (above 3' on both sides) and blowers (near 2') assigned to the slots and having suction sides (below 52 on both sides) communicating with the waste-air openings and pressure sides (near 6') communicating with the slots.

Regarding claim 21, Fig. 8 shows a rotary printing press (abstract), including

a blast or blown-air supply system (including 13'); and

a pneumatic sheet-guiding device (1') connected to the blast or blown-air supply system (including 13'); the sheet-guiding device (1') having flow ducts (4a and 4b) for aligning sheet-carrying air flows; the sheet-guiding device (1') having a sheet-guiding surface (1d); the sheet-guiding surface (1d) having air passage openings (above 3' on both sides) formed therein for sheets being dragged over the air passage openings in a sheet travel direction (i.e., direction into the page) and for expelling the sheet-carrying air flows during operation of the rotary printing press; the air passage openings (above 3' on both sides) in the sheet-guiding surface (1d) forming opening cross-sections of the

flow ducts (4a and 4b). Also, Fig. 8 shows that the opening cross-sections are slots, but does not specifically show the length and width dimensions. However, Fig. 3 shows that it is well known to provide an air passage opening structure (near 3) on each end of a sheet-guiding surface (1d1) that forms an opening cross-section that is a slot with a length many times greater than a width, to properly control air flow and prevent sheet flapping or fluttering. See Abstract. It would be obvious to one of ordinary skill in the art at the time of the invention, to provide the sheet-guiding surface (1d) of Fig. 8 with an air passage opening structure that properly controls the air flow and prevents sheet flapping or fluttering, as taught by Fig. 3 of U.S. Patent Publication No. 20010011509.

### ***Conclusion***

3. The fact that the examiner has not rejected all of the claims in view of prior art is not an indication that such claims contain allowable subject matter, particularly in view of the 35 U.S.C. 112, second paragraph rejection above.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas A. Morrison whose telephone number is (571) 272-7221. The examiner can normally be reached on M-F, 8am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Donald Walsh can be reached on (571) 272-6944. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR.




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Business Center (EBC) at 866-217-9197 (toll-free).

  
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